

**Notice of Allowability**

Application No.

10/727,208

Examiner

Paul Callahan

Applicant(s)

BLACK, GERALD R.

Art Unit

2137

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 2-14-07.
2. ☒ The allowed claim(s) is/are 1-4, 9 and 10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 8-12-07 P.C.
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date This action.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
**EMMANUEL L. MOISE**  
SUPERVISORY PATENT EXAMINER

### **DETAILED ACTION**

1. Claims 1-10 were pending in the instant application at the time of the previous Office Action, mailed June 28, 2006. By the latest amendment, filed February 14, 2007, claims 5-8 are cancelled. Therefore claims 1-4, 9, and 10 remain pending and have been examined.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on February 14, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 7,047,419 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with Gerald Black on 6-18-07.

IN THE SPECIFICATION

Lines 1-3 on page 1 of the Specification are amended to read:

This application claims priority from U.S. Pat. Appl. 10/032,591 filed on Dec. 7, 2001, now US Patent 7,047,419; U.S. Pat. Appl. 09/976,080 filed on Oct. 12, 2001, now US Patent 7,082,213; U.S. Pat. Appl. 09/865,756 filed on May 25, 2001, now US Patent 6,970,583; and U.S. Pat. Appl. 09/865,638 filed on May 25, 2001, now US Patent 6,925,565.

IN THE CLAIMS

Claim 1, line 7 is amended to read as follows:

- c. transmitting the user sensed data and the user captured reference data to a processor, the user

Claim 3, line 2 is amended to read as follows:

- a. capturing user reference data [[ ( ] ] involving user biometric data or user metric data [[ ) ] ] from a wireless device carried by a user,

Claim 3, line 7 is amended to read:

- c. transmitting the user sensed data and the user captured reference data to a processor system, the user

Claim 4, lines 2 through 4 are amended to read:

- a. capturing a user record number from a wireless device carried by a user, ~~the user record number~~, the user record number being embedded in a barcode having been submitted in a registration process;

Claim 9, lines 5 and 6 are amended to read:

- b. capturing user reference data [[ ( ] ] involving user biometric data or user metric data [[ ) ] ] from a wireless device carried by a user,

***Allowable Subject Matter***

5. Claims 1-4, 9, and 10 are allowed.

6. The following is an examiner's statement of reasons for allowance:

The prior art in the field does not teach the combination of features found in the independent claims, particularly including:

As per claim 1: capturing user sensed data via a stylus as a user writes a name, where the user sensed data is biometric data or user metric data, and transmitting the user sensed data to a processor by means of a radio-frequency transmission, with the processor comparing the user-sensed data with reference data submitted during user registration, and the processor enabling user access to resources based upon the result of the comparison.

As per claim 2, capturing a user record number from a wireless device carried by a user, the user record number having been submitted in a registration step, capturing user sensed data via a stylus as a user writes a name, where the user sensed data includes biometric data or user metric data, wirelessly transmitting the user sensed data and user record number to a processor, using the user record number to retrieve user reference data, and comparing the user sensed data to the retrieved user reference data in the processor, and authenticating the identity of the user and allowing the user access to resources based on the comparison.

As per claim 3, capturing user reference data from a wireless device carried by a user, the user reference data being embedded in a barcode, the user reference data having been submitted in a registration process; capturing user sensed data as the user writes a name, the name being written with a stylus, the user sensed data including user biometric data or user metric data; transmitting the user sensed data and the user reference data to a processor system, the user reference data being transmitted to the processor by means of a barcode reader; comparing the user sensed data against the user reference data in the processor; authenticating the identity of the user based upon the results of the comparison.

As per claim 4, capturing a user record number from a wireless device carried by a user, the user record number being embedded in a barcode having been submitted in a registration process; capturing user sensed data as the user writes a name, the name being written with a stylus, the user sensed data including user biometric data or user metric data; transmitting the user sensed data and the user record number to a processor system, the user record number being transmitted to the processor by means of a barcode scanner; using the user record number to retrieve user reference data, the user reference data including user biometric data, user metric data, or user signature data; comparing the user sensed data with the user reference data in the processor; authenticating the identity of the user based upon the results of the comparison.

As for claim 9, tendering funds as a payment by a payment card through a card reader, capturing user reference data involving user biometric data or user metric data from a wireless device carried by the user, the wireless device being separate and apart from the payment card, the user reference data having been submitted in a registration process; capturing user sensed data, the user sensed data including user biometric data or user metric data; transmitting the user sensed data and the user reference data to a processor system, the user reference data being transmitted to the processor by means of radio-frequency transmission; and comparing the user sensed data against the user reference data.

As for claim 10, capturing user sensed data as the user writes a name, the name being written with a stylus, the user sensed data including user biometric data or user metric data; transmitting the user sensed data to a smart card, the smart card including a smart-card processor, the smart-card processor including memory, the memory including user reference data, the user reference data including user biometric data or user metric data; comparing the user sensed data against the user reference data in the smart-card processor; and authenticating the identity of the user based upon the results of the comparison.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

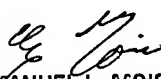
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



/Paul E. Callahan/  
8-13-07



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